

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

CHRISTINE M. PALMER

PLAINTIFF

VS.

CIVIL ACTION NO. 3:18-cv-40-CWR-FKB

ENTERGY SERVICES, INC., et al.

DEFENDANTS

ORDER

This cause is before the Court on Defendants' Motion to Compel Discovery and for Attorneys' Fees [37]. Defendants filed their motion after Plaintiff Christine Palmer failed to timely provide several documents in response to valid discovery requests. Palmer has since provided the documents in question, and that portion of Defendants' motion is now moot. The only issue remaining is whether to award Defendants their related attorney's fees.

Fed. R. Civ. P. 37(a)(5) prohibits the Court from awarding attorney's fees if "circumstances make an award of expenses unjust." After considering the circumstances of this case, namely Palmer's difficulty in communicating with her attorneys, the Court finds that it would be unjust to award expenses. Defendants' motion is denied to the extent it seeks attorney's fees.

However, Palmer is admonished that any future failure to cooperate during discovery will result in the imposition of sanctions under Fed R. Civ. P. 37.

SO ORDERED, this the 19th day of February, 2019.

/s/ F. Keith Ball
UNITED STATES MAGISTRATE JUDGE